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BEFORE THE ARIZONA CORPORATION COMMISSION

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Arizona Corporation Commission

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DOUG LITTLE – Chairman
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DEC 14 2016

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IN THE MATTER OF THE APPLICATION OF
OLIVE AVENUE HOMEOWNERS ASSOCIATION,
INC. FOR AN ADJUDICATION NOT A PUBLIC
SERVICE CORPORATION.

DOCKET NO. W-20991A-16-0415

PROCEDURAL ORDER
(Schedules a Hearing)

BY THE COMMISSION:

On November 10, 2016, Olive Avenue Homeowners Association, Inc. ("Olive" or "Association") filed an application with the Arizona Corporation Commission ("Commission") for an Adjudication Not a Public Service Corporation.

On December 6, 2016, the Commission's Utilities Division Staff ("Staff") filed a Sufficiency Letter informing the Association that its application was sufficient under the Arizona Administrative Code ("A.A.C") R14-2-411(C).

Pursuant to A.A.C. R14-3-101, the Commission now issues this Procedural Order to govern the preparation and conduct of this proceeding.

IT IS THEREFORE ORDERED that the **hearing** in the above-captioned matter shall commence on **March 2, 2017, at 10:00 a.m.**, or as soon thereafter as is practicable, at the Commission's offices, 1200 West Washington Street, Hearing Room No. 1, Phoenix, Arizona 85007.

IT IS FURTHER ORDERED that Staff shall file a **Staff Report** and associated exhibits to be presented at the hearing on or before **January 31, 2017**.

IT IS FURTHER ORDERED that **any objections or responses to the Staff Report** must be reduced to writing and filed on or before **February 14, 2017**.

IT IS FURTHER ORDERED that intervention shall be in accordance with A.A.C. R14-3-105, except that **all motions to intervene must be filed on or before January 31, 2017**.

IT IS FURTHER ORDERED that **objections to any motion(s) to intervene** must be filed on

1 or before **February 7, 2017**.

2 IT IS FURTHER ORDERED that the **Association** shall provide **public notice of the hearing**,
3 in the following form and style:

4 **PUBLIC NOTICE OF THE HEARING ON THE APPLICATION OF**
5 **OLIVE AVENUE HOMEOWNERS ASSOCIATION, INC. FOR AN**
6 **ADJUDICATION NOT A PUBLIC SERVICE CORPORATION**
(DOCKET NO. W-20991A-16-0415)

7 **Summary**

8 On November 10, 2016, the Olive Avenue Homeowners Association, Inc. ("Applicant")
9 filed an application with the Arizona Corporation Commission ("Commission") for an
10 Adjudication Not a Public Service Corporation. If Applicant is adjudicated not a public
11 service corporation, the Applicant's rates and charges, and water utility service in the
12 adjudicated area will no longer be regulated by the Commission. The Commission's
13 Utilities Division Staff ("Staff") is in the process of reviewing and analyzing the
14 application and has not yet made its recommendations to the Commission. The
15 Commission is not bound by the proposals and recommendations made by the
16 Applicant, Staff, or any intervenors. The Commission will issue a decision regarding
17 the application following the consideration of testimony and evidence presented at an
18 evidentiary hearing.

15 **How You Can View or Obtain a Copy of the Application**

16 Copies of the application are available from the Applicant [APPLICANT TO INSERT
17 HOW AND WHERE AVAILABLE]; at the Commission's Docket Control Center at
18 1200 West Washington, Phoenix, Arizona, for public inspection during regular business
19 hours; and on the Commission's website (www.azcc.gov) using the e-Docket function.

18 **Arizona Corporation Commission Public Hearing Information**

19 The Commission will hold a hearing on this matter beginning **March 2, 2017, at 10:00**
20 **a.m.** at the Commission's offices, Hearing Room No. 1, 1200 West Washington,
21 Phoenix, Arizona 85007. Public comments will be taken on the first day of hearing.

22 Written public comments may be submitted by mailing a letter referencing Docket No.
23 W-20991A-16-0415 to Arizona Corporation Commission, Consumer Services Section,
24 1200 West Washington, Phoenix, AZ 85007, or by submitting comments on the
25 Commission's website (www.azcc.gov) using the "Submit a Public Comment for a
26 Utility" link. If you require assistance, you may contact the Consumer Services Section
27 at 1-800-222-7000.

24 **About Intervention**

25 The law provides for an open public hearing at which, under appropriate circumstances,
26 interested persons may intervene. An interested person may be granted intervention if
27 the outcome of the case will directly and substantially impact the person, and the
28 person's intervention will not unduly broaden the issues in the case. Intervention,
among other things, entitles a party to present sworn evidence at hearing and to cross-
examine other parties' witnesses. However, failure to intervene will not preclude any
interested person or entity from appearing at the hearing and providing public comment
on the application or from filing written comments in the record of the case.

To request intervention, you must file an **original and 13 hard copies** of a written request to intervene with Docket Control, 1200 West Washington, Phoenix, AZ 85007, **no later than January 31, 2017**. You also **must** serve a copy of the request to intervene on each party of record, on the same day that you file the request to intervene with the Commission. Information about intervention and sample intervention requests are available on the Commission's website (www.azcc.gov) using the "Intervention in Utility Cases" link.

Your request to intervene must contain the following:

1. Your name, address, and telephone number, and the name, address, and telephone number of any person upon whom service of documents is to be made, if not yourself;
2. A reference to Docket No. W-20991A-16-0415;
3. A short statement explaining:
 - a. Your interest in the proceeding (e.g., an owner of property in the proposed extension area, etc.),
 - b. How you will be directly and substantially affected by the outcome of the case, and
 - c. Why your intervention will not unduly broaden the issues in the case;
4. A statement certifying that you have served a copy of the request to intervene on the utility or its attorney and all other parties of record in the case; and
5. If you are not represented by an attorney who is an active member of the Arizona State Bar, and you are not representing yourself as an individual, sufficient information and any appropriate documentation to demonstrate compliance with Arizona Supreme Court Rules 31, 38, 39, and 42, as applicable.

The granting of motions to intervene shall be governed by A.A.C. R14-3-105, except that all motions to intervene must be filed on or before January 31, 2017. If representation by counsel is required by Arizona Supreme Court Rule 31, intervention will be conditioned upon the intervenor obtaining counsel to represent the intervenor.

ADA/Equal Access Information

The Commission does not discriminate on the basis of disability in admission to its public meetings. Persons with a disability may request a reasonable accommodation such as a sign language interpreter, as well as request this document in an alternative format, by contacting the ADA Coordinator, Carolyn Buck, E-mail CDBuck@azcc.gov, voice phone number 602-542-3931. Requests should be made as early as possible to allow time to arrange the accommodation.

IT IS FURTHER ORDERED that the **Association** shall **mail to each member** of the Association a copy of the above notice **and** cause the above notice to be **published in a newspaper of general circulation in the service area**, with publication and mailing to be completed no later than **January 17, 2017**.

IT IS FURTHER ORDERED that the **Association** shall file **certification of mailing and publication** as soon as practicable after the mailing and publication have been completed, but no later than **February 7, 2017**.

IT IS FURTHER ORDERED that notice shall be deemed complete upon mailing and

1 publication of the same, notwithstanding the failure of an individual to read or receive the notice.

2 IT IS FURTHER ORDERED that each party or prospective party shall **refer to the Procedural**
3 **Order Regarding Consent to Email Service** issued in this matter on **November 7, 2016**, for
4 additional information regarding the process to consent by email. Information regarding Consent to
5 Email Service is also available on the Commission's website (www.azcc.gov) using the "Email Service
6 Consent" link.


7 IT IS FURTHER ORDERED that all parties must comply with Arizona Supreme Court Rules
8 31, 38, and 42 and A.R.S. § 40-243 with respect to the practice of law and admission *pro hac vice*.

9 IT IS FURTHER ORDERED that the Ex Parte Rule (A.A.C. R14-3-113 - Unauthorized
10 Communications) applies to this proceeding and shall remain in effect until the Commission's Decision
11 in this matter is final and non-appealable.

12 IT IS FURTHER ORDERED that withdrawal of representation must be made in compliance
13 with A.A.C. R14-3-104(E) and Rule 1.16 of the Rules of Professional Conduct (under Arizona
14 Supreme Court Rule 42). Representation before the Commission includes appearances at all hearings
15 and procedural conferences, as well as all Open Meetings for which the matter is scheduled for
16 discussion, unless counsel has previously been granted permission to withdraw by the Administrative
17 Law Judge or the Commission.

18 IT IS FURTHER ORDERED that the Administrative Law Judge may rescind, alter, amend, or
19 waive any portion of this Procedural Order either by subsequent Procedural Order or by ruling at
20 hearing.

21 DATED this 14th day of December, 2016.

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24 
25 SCOTT M. HESLA
26 ADMINISTRATIVE LAW JUDGE
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On this 14th day of December, 2016, the foregoing document was filed with Docket Control as a Procedural Order Scheduling a Hearing, and copies of the foregoing were mailed on behalf of the Hearing Division to the following who have not consented to email service. On this date or as soon as possible thereafter, the Commission's eDocket program will automatically email a link to the foregoing to the following who have consented to email service.

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By: 

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